

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Sarpy County,) Application No. 911-023.01
Papillion, seeking funding)
approval for recurring and non-) ORDER APPROVING FUNDING
recurring costs of Enhanced) REQUEST IN PART
Wireless 911 implementation.)
) Entered: May 23, 2007

BY THE COMMISSION:

By written request for funding dated February 15, 2007, Sarpy County, Papillion, sought funding from the Enhanced Wireless 911 Fund for expenses for implementing and providing enhanced wireless 911 service.

In its application, Sarpy County sought non-recurring costs in the amount of **\$255,660.93** for the purchase and installation of equipment necessary to implement enhanced wireless 911 service. Sarpy County currently uses Motorola Centralink equipment which will no longer be supported by the manufacturer, therefore crippling the County's ability to maintain and upgrade the equipment. Additionally, Sarpy County sought **\$63,021.02** over five (5) years for software maintenance and **\$61,364.40** over five (5) years for hardware maintenance.

Sarpy County provided supporting documentation for the equipment and associated expenses from its vendor. The Enhanced Wireless 911 Advisory Board considered Sarpy County's request at its March 23, 2007 meeting and recommended that the Commission approve payment in the amount of **\$365,306.24**.

The costs of several items listed in the supporting documentation exceed the prices contained in the vendor's response to the Commission's Request for Proposal (RFP). All costs contained within the request for funding and supporting documentation are set forth in the confidential attachment Appendix A, attached hereto and incorporated herein by this reference. Sarpy County seeks funding for nine (9) positions. RFP pricing was offered only for up to four (4) positions. Therefore, the difference between the costs for three (3) positions and four (4) positions was used for comparison purposes. Items priced above the RFP pricing based on that comparison are listed in Appendix A and include \$11,457.00 for installation, \$5,586.00 for training and \$1,007.74 for shipping/handling.

O P I N I O N A N D F I N D I N G S

This request for additional funding is being processed pursuant to Neb. Rev. Stat. §§ 86-442 to 86-470. (Cum. Supp. 2006), 291 Neb. Admin. Code, Chapter 1, Section 5, Progression Order No. 5 in Commission Docket No. 911-001, entered July 16, 2002 and the Interim Policy established in Progression Order No. 1 in Commission Docket No. 911-017/PI-116, entered February 13, 2007 (Interim Policy).

Based upon the request for funding, supporting documentation, and in consideration of the recommendation of the Advisory Board, the Commission is of the opinion and finds that costs requested, subject to the limitations set forth below, are eligible under Neb. Rev. Stat. § 86-465 as all costs have been incurred or will be incurred for the purchase, installation, maintenance or operation of telecommunications equipment and telecommunications services required for the provision of enhanced wireless 911 service.

This funding request was received prior to February 16, 2007. Pursuant to the Interim Policy, the Commission therefore considers this funding request for full reimbursement without being subject to the wireless/landline allocation factor established in the Commission's February 17, 2007 order.

Sarpy County's request includes costs associated with a five (5) year maintenance and service plan for both equipment and software. The Commission finds that maintenance of the equipment and software is essential to ensure the proper operation of the statewide 911 system and should be funded to the extent funds are available during this interim period, subject to change based upon the availability of funds and the permanent funding mechanism.

The Commission further finds that the funding request shall be granted only to the extent the pricing complies with Positron's response to RFP.

Therefore, the request for funding should be granted in part in the amount of **\$207,780.53** in non recurring costs and **\$12,604.20** for Evergreen software maintenance and **\$12,272.88** for hardware maintenance paid annually for a period of up to five (5) years subject to the limitations set forth herein. Said amounts are consistent with the pricing set forth in the vendor's response to the RFP. Approved amounts do not include costs associated any

amounts requested in excess of the prices offered in response to the RFP as outlined in Appendix A.

The Fund shall therefore pay to Sarpy County the amount of **\$207,780.53** consistent with the terms of this order and the amounts set forth in Appendix A. Additionally, the Fund shall pay **\$12,604.20** for Evergreen software maintenance and **\$12,272.88** for hardware maintenance to Sarpy County annually, subject to change based upon the availability of funding and the permanent funding mechanism. Sarpy County may request that these amounts be paid directly to the vendor.

Prior to any payments, Sarpy County shall file with the Commission a copy of its final contract with the vendor and all amounts therein shall be consistent with the funding request.

Should Sarpy County wish to be heard by the Commission regarding those portions of the funding request related to the amounts in excess of the prices offered in the response to the RFP it shall notify the Commission in writing **within fifteen (15) days** of this order and the matter will be set for hearing.

The Commission reserves the right to modify any recurring costs associated with this funding request consistent with amendments to the Interim Policy or the establishment of a permanent funding mechanism.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Enhanced Wireless 911 Fund shall pay to Sarpy County the amount of **\$207,780.53** consistent with the terms of this order and the amounts set forth in Appendix A for the equipment necessary to provide enhanced wireless 911 service.

IT IS FURTHER ORDERED that the Fund shall pay **\$12,604.20** for Evergreen software maintenance and **\$12,272.88** for hardware maintenance to Sarpy County annually consistent with the terms of this order and the amounts set forth in Appendix A.

IT IS FINALLY ORDERED should Sarpy County wish to be heard by the Commission regarding those portions of the funding request related to the amounts in excess of the prices offered in the response to the RFP, it shall notify the Commission in writing **within fifteen (15) days** of this order and the matter will be set for hearing.

MADE AND ENTERED at Lincoln, Nebraska this 23rd day of May,
2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director